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North Central Texas Fusion Center

Privacy Policy

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Privacy Policy
November 29th, 2010

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The North Central Texas Fusion Center (NCTFC)

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I. Background

The North Central Texas Fusion Center is a Fusion Center (herein referenced to as NCTFC) as defined below:

A Fusion Center is a collaborative effort of two or more agencies who provide resources, expertise, and/or information to the Center with the goal of maximizing the ability to detect, prevent, apprehend, and respond to criminal and terrorism activity.

The Fusion Center project was initiated in response to the increased need for timely information sharing and exchange of crime-related information among members of the law enforcement and emergency management community, to enhance cross-jurisdictional and multi-disciplinary prediction, prevention, protection, response, and mitigation capabilities for all hazards facing the North Central Texas region. It seeks to facilitate regional data and intelligence sharing to achieve its core mission:

“Provide the right information to the right person at the right time while protecting the individual privacy and civil rights of all citizens.”

One component of the Center focuses on the development and exchange of criminal intelligence. This component focuses on the intelligence process where information is collected, integrated, evaluated, analyzed and disseminated.

The NCTFC consists of its analysts and hosted Federal, State, Local agency staff, and operational stakeholders, which include regional law enforcement, public health, emergency management, fire and rescue agencies. Other supporting and benefiting stakeholders include city and county administration, academia, state and federal agencies, elected officials, and critical infrastructure/key resources (CIKR) owners and operators. The NCTFC also communicates with many State and Federal organizations, including the Texas Fusion Center, the Department of Homeland Security (DHS), and the Centers for Disease Control, the Dallas High Intensity Drug Trafficking Area center, and the Federal Bureau of Investigation (FBI). The US Department of Homeland Security (DHS) has permanently assigned a Senior Intelligence Officer to the NCTFC.

The NCTFC developed and employed the North Central Texas Fusion System (NCTFS) to support regional information and intelligence sharing efforts. The NCTFS provides authorized personnel to access and query data from a centralized data base comprised of data set compilations from regional and public agency databases. It also facilitates analytical collaboration by providing users analytical tools, open source query tools, and a means to obtain and disseminate intelligence products. The system does not include any commercial databases but incorporates components that include software for sharing, analysis and reporting; secure networked computers; data and database interfaces. The NCTFC has developed libraries by using existing data sources from participating entities to integrate data with the goal of identifying, developing, and analyzing information and intelligence related to criminal activity, terrorist activity, and other crimes.



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This capability will facilitate integration and exchange of information between the participating agencies. The NCTFC's intelligence products and services will be made available to law enforcement agencies and other criminal justice entities. All agencies participating in the NCTFC will be subject to a Memorandum of Agreement (MOA) or user agreement and will be required to adhere to all NCTFC policies and security requirements.

- A. The goal of establishing and maintaining the North Central Texas Fusion Center is to further the following purposes:
1. Increase public safety and improve national security;
 2. Minimize the threat and risk of injury to specific individuals; Minimize the threat and risk of injury to law enforcement and others responsible for public protection, safety, or health;
 3. Minimize the threat and risk of damage to real or personal property;
 4. Protect individual privacy, civil rights, civil liberties, and other protected interests;
 5. Protect the integrity of the criminal investigator, criminal intelligence, and justice system processes and information;
 6. Minimize reluctance of individuals or groups to use or cooperate with the justice system;
 7. Support the role of the justice system in society;
 8. Promote governmental legitimacy and accountability;
 9. Not unduly burden the ongoing business of the justice system;
 10. Make the most effective use of public resources allocated to justice agencies.

II. Purpose

This Privacy Policy will guide and govern the NCTFC's procedures for ensuring the lawful and appropriate access to and use of the NCTFS and the data contained in it or derived from it. The purpose of this privacy policy is to ensure privacy, civil rights, and civil liberties protections. Additionally, the policy will serve to insure that safeguards and sanctions are in place to protect personal information as information and intelligence are developed and exchanged. The North Central Texas Fusion Center has adopted operating policies that are in compliance with the Texas Fusion Center Policy Council Umbrella Privacy Policy for the Texas Fusion Center Network. All participating agencies and NCTFS users will be subject to the policy herein either by signing an MOA or a user agreement either digitally (online services) or in writing.

The Director of the NCTFC is responsible for the overall operation of the NCTFC and its services including the development of the policies herein and its implementation. A trained Privacy Officer has been designated by the Director of the NCTFC. The Privacy Officer shall be the Senior Intelligence Analyst or a designee appointed by the Director of the NCTFC to ensure the congruency of this policy and the overall mitigation of any issues within such. The Privacy Officer shall receive reports regarding alleged errors and violations of the provisions of this policy, receive and coordinate complaint resolution under the NCTFC's redress policy, and



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serves as the liaison for the Information Sharing Environment, ensuring that privacy protections are implemented through efforts such as training, business process changes, and system designs that incorporate privacy enhancing technologies. The Privacy Officer can be contacted at the following address: 4300 Community Blvd, McKinney, Texas 75071, **Attn: Privacy Officer.**

III. Vision Statement

The NCTFC will protect the privacy and civil rights of all citizens while providing full time Fusion System access to authorized users for the purposes of predicting, preventing, or mitigating the impacts of all hazards to the public. Additionally, the NCTFC will conduct staffed operations to provide preventative and predictive intelligence analysis to enhance the operational effectiveness and efficiency of organizations supporting the public safety of the 16 counties within the North Central Texas Region.

IV. Definitions

A. Participating Agency refers to:

1. An agency of Local, County, State, Federal, or other governmental unit which exercises law enforcement authority and which is authorized to submit and receive criminal information and criminal intelligence information through the NCTFS within the framework of an interlocal agreement or Memorandum of Agreement with the NCTFC.
2. Public or private entities of any type, whether for profit or nonprofit, that are authorized by Law and obtain requisite permission to submit and/or receive information through the NCTFS.

B. User

1. User refers to any authorized personnel who accesses the NCTFS and/or obtain information from or through the NCTFS.

C. Information

1. Information includes any data about people, organizations, events, incidents, or objects, regardless of the medium in which it exists.
2. Criminal Information and Criminal Intelligence Information
3. Criminal information means facts, material, photograph, or data reasonably related to the investigation or prosecution of criminal activity.
4. Criminal Intelligence Information means data which has been evaluated to determine that it:



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- a. Is relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity, and
- b. Meets criminal intelligence system submission criteria

D. Personal Data

1. Personal data refers to any personally identifiable information that relates to an identifiable individual (or data subject). See also Personally Identifiable Information.

E. Personally Identifiable Information – Personally identifiable information is one or more pieces of information that, when considered together or in the context of how the information is presented or gathered, are sufficient to specify a unique individual. The pieces of information can be:

- Personal characteristics (such as height, weight, gender, sexual orientation, date of birth, age, hair color, eye color, race, ethnicity, scars, tattoos, gang affiliation, religious affiliation, place of birth, mother's maiden name, distinguishing features, and biometrics information, such as fingerprints, DNA, and retinal scans).
- A unique set of numbers or characters assigned to a specific individual (including name, address, phone number, social security number, e-mail address, driver's license number, financial account or credit card number and associated PIN number, Automated Integrated Fingerprint Identification System [IAFIS] identifier, or booking or detention system number). Descriptions of event(s) or points in time (for example, information in documents such as police reports, arrest reports, and medical records).
- Descriptions of location(s) or place(s) (including geographic information systems [GIS] locations, electronic bracelet monitoring information, etc.).

F. Protected Information

1. Protected information includes information about individuals and organizations that is subject to information privacy or other legal protections by Law, including the U.S. Constitution and the Texas Constitution; applicable federal statutes and regulations, such as civil rights laws and 28 CFR Part 23; applicable state and tribal constitutions; and applicable state, local, and tribal laws, ordinances, and codes. Protections may be extended to organizations by NCTFC policy or state, local, or tribal law.



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G. Right to Know

1. Based on having legal authority or responsibility or pursuant to an authorized agreement, an agency or organization is authorized to access sensitive information and intelligence in the performance of a law enforcement, homeland security, or counterterrorism activity.

H. Need to Know

1. As a result of jurisdictional, organizational, or operational necessities, access to sensitive information or intelligence is necessary for the conduct of an individual's official duties as part of an organization that has a right to know the information in the performance of a law enforcement, homeland security, or counter-terrorism activity, such as to further an investigation or meet another law enforcement requirement.

I. Law

1. As used in this policy, Law includes any local, state, tribal, territorial, or federal statute, ordinance, regulation, executive order, policy, or court rule, decision, or order, as construed by appropriate local, state, tribal, territorial, or federal officials or agencies. These include, but are not limited to:
 - U.S. Constitution
 - Bill of Rights
 - Title 28 Code of Federal Regulations Part 23
 - Public health and safety information in accordance to The Privacy Act of 1974, 5 U.S.C. § 552a, Public Law No. 93-579, (Dec. 31, 1974),
 - The Health Insurance Portability and Accountability Act (HIPAA) of 1996 (P.L.104-191) [HIPAA]
 - The Family Educational Rights and Privacy Act of 1974 (FERPA or the Buckley Amendment)
 - Information Sharing Environment (ISE) Privacy Guidelines as mandated by Section 1016(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) and Executive Order 13388
 - Texas Constitution
 - Texas Public Information Act
 - Chapter 552 of the Texas Government Code
 - Section 71.01, Texas Penal Code, (criminal street gang information)
 - Section 51.02, Texas Family Code (information on children)
 - Texas Code of Criminal Procedure Article 60.01 (Administration of criminal justice)



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- Texas Code of Criminal Procedure Articles 61.07 and 61.08 (methods allowable and information related to gang membership and activities and pertaining information gathered from children)
- Texas Statutes Section 2161.122: Information Gathering by State Agency

J. Public

1. Any person and any for-profit or nonprofit entity, organization, or association; Any governmental entity for which there is no existing specific Law authorizing access to the NCTFC's information; Media organizations; and Entities that seek, receive, or disseminate information for whatever reason, regardless of whether it is done with the intent of making a profit, and without distinction as to the nature or intent of those requesting information from the NCTFS/C.
2. Public does not include:
 - a. Employees of the NCTFC or participating agencies; People or entities, private or governmental, who assist the NCTFC in the operation of the justice information system; and
 - b. Public agencies whose authority to access information gathered and retained by the NCTFC is specified in Law.
 - c. Public or private entities of any type, whether for-profit or nonprofit, that are authorized by Law and obtain requisite permission to receive information in bulk from the NCTFC.

K. Terrorism

1. There is no single, universally accepted definition of terrorism. Terrorism is defined in the *Code of Federal Regulations* as "...the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives." (28 C.F.R. Section 0.85)



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2. The FBI further describes terrorism as either domestic or international, depending on the origin, base, and objectives of the terrorist organization. For the purpose of this report, the FBI uses the following definitions of terrorism:
 - a. Domestic terrorism refers to activities that involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any state; appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by mass destruction, assassination, or kidnapping; and occur primarily within the territorial jurisdiction of the United States. [18 U.S.C. § 2331(5)]
 - b. International terrorism involves violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state.

These acts appear to be intended to intimidate or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect the conduct of a government by mass destruction, assassination or kidnapping and occur primarily outside the territorial jurisdiction of the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum. [18 U.S.C. § 2331(1)]

3. The FBI divides terrorist-related activity into two categories:
 - a. A terrorist *incident* is a violent act or an act dangerous to human life, in violation of the criminal laws of the United States, or of any state, to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.
 - b. A terrorism *prevention* is a documented instance in which a violent act by a known or suspected terrorist group or individual with the means and a proven propensity for violence is successfully interdicted through investigative activity.



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L. Other Definitions

1. Combination and criminal street gang have the meanings assigned by Section 71.01, Texas Penal Code.
2. Child has the meaning assigned by Section 51.02, Texas Family Code.
3. Criminal activity means conduct that is subject to prosecution.
4. Criminal justice agency has the meaning assigned by Texas Code of Criminal Procedure Article 60.01 and also means a municipal or county agency, or school district law enforcement agency, that is engaged in the administration of criminal justice under a statute or executive order.
5. Administration of criminal justice has the meaning assigned by Article 60.01.
6. Intelligence database means a collection or compilation of data organized for search and retrieval to evaluate, analyze, disseminate, or use intelligence information relating to a criminal combination or a criminal street gang for the purpose of investigating or prosecuting criminal offenses.

V. Training

- A. NCTFC and its participating agencies will require the following individuals to participate in training programs regarding the implementation of and adherence of privacy, civil rights, and civil liberties policy:

1. All of its personnel;
2. Personnel providing information technology services to the NCTFC;
3. Staff in other public agencies or private contractors providing services to the NCTFC; and
4. Users who are not employed by the NCTFC or a contractor.

- B. The training program will cover:

1. Purposes of the privacy, civil rights, and civil liberties protection policy;
2. Substance and intent of the provisions of the policy relating to collection, use, analysis, retention, destruction, sharing, and disclosure of information retained by the NCTFC or retained in the NCTFS;
3. The impact of improper activities associated with Information accessible within or through the NCTFS;
4. The nature and possible penalties for policy violations, including possible transfer, dismissal, civil and criminal liability, and immunity, if any.
5. The NCTFC will provide training to personnel authorized to share protected Information with the Intelligence Sharing Environment.



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VI. Collection Limitation

The NCTFC and the NCTFS is maintained for the purpose of developing Information and intelligence by agencies participating with the NCTFC and NCTFS. The decision of the agencies to participate and which databases to provide is voluntary and will be governed by the laws and rules governing the individual agencies respecting such data, as well as by applicable federal and state laws.

Because the laws, rules, or policies governing Information and intelligence that can be collected and released on private individuals will vary from agency to agency, limitations on the collection of data concerning individuals is the responsibility of the collector of the original source data. Each contributor of Information is to abide by the collection limitations applicable to it by reason of Law, rule, or policy. Information contributed to the NCTFC should be that which has been collected in conformance with those limitations. Should any Information be contributed to the NCTFC that does not conform to these Laws, rules, or policies the NCTFC will purge, delete or refuse to accept the Information. All NCTFC participating agency users, NCTFC personnel, private contractors, and personnel providing information technology services to the NCTFC will comply with the Texas constitution and the U. S. Constitution, including the Bill of Rights, and all applicable Law (as referenced in Section IV, Definitions, I, Law) protecting privacy, civil rights, and civil liberties in the collection, use, analysis, retention, destruction, sharing, and disclosure of Information. A project shall not include any criminal intelligence system information, which has been obtained in violation of Federal, State, or local law or ordinance. In an interjurisdictional intelligence system, the project is responsible for establishing that no Information is entered in violation of Federal, State, or local laws, either through examination or supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project (28 CFR part 23).

A. What Information May Be Sought or Retained?

1. The NCTFC will retain criminal information or criminal intelligence information:
 - a. Relevant to the investigation and prosecution of suspected criminal (including terrorist) incidents; the resulting justice system response; the enforcement of sanctions, orders, or sentences; or the prevention of crime; or that which is useful in crime analysis or in the administration of criminal justice, or
 - b. Collected by criminal justice agencies on specific individuals, consisting of official identifiable descriptions and notations of arrests, detentions, complaints, indictments, information, or other formal criminal charges and any disposition relating to these charges. Or



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- c. Where there is reasonable suspicion that a specific individual or organization has committed a criminal offense or is involved in or is planning criminal (including terrorist) conduct or activity that presents a threat to any individual, the community, or the nation and the information is relevant to the criminal (including terrorist) conduct or activity, and
 - d. Where the data was collected in a fair and lawful manner, with knowledge and consent of the individual, if appropriate and
 - e. The source of the information is reliable and verifiable or limitations on the quality of the information are identified.
2. The NCTFC will collect and retain criminal information regarding, criminal combinations, and street gangs collected articles only as (c) allowable under articles 61.07 and 61.08 of the Texas Code of Criminal Procedure.
3. The NCTFC will collect or retain only public health and safety information in accordance with Law, including The Privacy Act of 1974, 5 U.S.C. § 552a, Public Law No. 93-579, (Dec. 31, 1974), The Health Insurance Portability and Accountability Act (HIPAA) of 1996 (P.L.104-191) [HIPAA] and The Family Educational Rights and Privacy Act of 1974 (FERPA or the Buckley Amendment) and that is:
 - a. Relevant to the prevention, mitigation, and/or response to public health and safety emergencies, including natural disasters, manmade disasters, and disease outbreaks.
4. The NCTFC will not seek or retain Information and the originating agencies will agree not to submit about an individual or organization solely on the basis of religious, political, or social views or activities; participation in a particular organization or event; or race, ethnicity, citizenship, place of origin, age, disability, gender, or sexual orientation.



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B. Methods of Seeking or Receiving Information

1. Information gathering and investigative techniques used by the NCTFC will comply with the U.S. and Texas constitutions and the Bill of Rights, The Privacy Act of 1974, 5 U.S.C. § 552a, Public Law No. 93-579, (Dec. 31, 1974), Information Sharing Environment (ISE) Privacy Guidelines as mandated by Section 1016(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) and Executive Order 13388 and methods allowable under articles 61.07 and 61.08 of the Texas Code of Criminal Procedure and Texas Statutes Section 2161.122: Information Gathering by State Agency. Participating agencies are responsible for ensuring that the information contained in their information systems and uploaded to the NCTFS was collected and stored in compliance with all applicable laws.
2. The NCTFC will ensure that its products are reliable and verifiable or limitations on the quality of Information are identified.
3. This NCTFC will not directly or indirectly receive, seek, accept, or retain Information from an individual or nongovernment information provider, who may or may not receive a fee or benefit for providing the Information, if the NCTFC knows or has reason to believe that:
 - a. The individual or information provider is legally prohibited from obtaining the specific Information sought or disclosing it to the NCTFC.
 - b. The individual or information provider used methods for collecting the Information that the NCTFC itself could not legally use.
 - c. The specific Information sought from the individual or information provider could not legally be collected by the NCTFC/S; or
The NCTFC has not taken the steps necessary to be authorized to
 - d. collect the Information.
4. The NCTFC/S will use the least intrusive methods of Information gathering in any particular circumstance Information gathering is authorized to seek or retain.
5. Information subject to collation and analysis is Information as defined and identified in Section VI, A. Information sought or received by the NCTFC or from other sources will only be analyzed:
 - a. By qualified individuals who have successfully completed a background check and appropriate security clearance, if applicable;
 - b. By properly trained personnel concerning the policies contained within this privacy policy;



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- c. To provide tactical and/or strategic intelligence on the existence, identification, and capability of individuals and organizations suspected of having engaged in or engaging in criminal, including terrorist, activities generally;
- d. To further crime (including terrorism) prevention, enforcement, force deployment, or prosecution of public safety and health objectives and priorities established by the NCTFC;
- e. To further crime (including terrorism) prevention objectives and priorities established by the NCTFC.

The NCTFC requires that all analytical products be reviewed and approved by the Privacy Officer to ensure that they provide appropriate privacy, civil rights, and civil liberties protections prior to dissemination or sharing by the NCTFC.

- C. The NCTFC shall keep an electronic record of the source of all Information retained in the NCTFS.
- D. This Privacy policy will be posted on the North Central Texas Fusion System (NCTFS) and on the North Central Texas Fusion Center website and also at www.co.collin.tx.us/homeland_security/index.jsp. All NCTFS users will be able to access it via a hyperlink on the log-in page. Users will be required to acknowledge that they have reviewed and will comply with this policy in order to log in to the system. This policy will also be included in the training materials provided to new users prior to their access to the system. All NCTFC internal policies and procedures will be in compliance with this policy. All staff members of the NCTFC will be provided a copy of the Privacy and Civil Rights Policy and will be required to provide their signature to acknowledge they have read and understood the policy.

VII. Data Quality

All data submitted to the NCTFS is normalized, merged and maintained by the Collin County Information Technology Department who will obtain guidelines and reviews from the Director of the NCTFC. The agencies participating in the NCTFC or the NCTFS retain ownership of the data contributed and are, therefore, responsible for the quality and accuracy of the data accessed by the NCTFC or the NCTFS. Where appropriate, NCTFC will ensure that originating agencies apply labels to the Information that is shared with NCTFC regarding its level of quality (accuracy, completeness, currency, and confidence [verifiability and reliability]). The labeling of Information will be reevaluated by the originating agency when new Information is gathered that has an impact on confidence (source reliability and content validity) in previously retained Information.



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Inaccurate personal information can have a damaging impact on the person concerned and on the integrity and functional value of the NCTFC and the NCTFS. In order to maintain the integrity of the NCTFC as well as the NCTFS, any Information obtained through the NCTFC must be independently verified with the original source from which the data was extrapolated before any official action (e.g., warrant or arrest) is taken. User agencies and individual users are responsible for compliance with respect to use and further dissemination of such Information and the purging and updating of the data.

1. The NCTFC will ensure that its analytical products contain sources of Information that are reliable and verifiable or limitations on the quality of Information are identified (accuracy, completeness, currency, and confidence [verifiability and reliability])
2. The NCTFC will make every reasonable effort to ensure that Information sought or retained is:
 - a. Derived from dependable and trustworthy sources of Information;
 - b. Accurate;
 - c. Current;
 - d. Complete, including the relevant context in which it was sought or received and other related Information; and
 - e. Records about an individual or organization from two or more sources will not be merged by NCTFC unless there is sufficient identifying information to reasonably conclude that the Information is about the same individual or organization. The set of identifiers sufficient to allow merging will consist of all available attributes that can contribute to a higher accuracy of a match.
 - f. NCTFC will not merge Information based on partial matches.
3. The NCTFC will make every reasonable effort to ensure that only authorized users are allowed to add, change, or delete Information in the system.
4. NCTFC investigates, in a timely manner, alleged errors and deficiencies (or refers them to the originating agency). The NCTFC will make every reasonable effort to ensure that Information will be deleted from the system when the NCTFC learns that:
 - a. The Information is erroneous, misleading, obsolete, or otherwise unreliable;
 - b. The source of the Information did not have authority to gather the Information or to provide the Information to the NCTFC; or
 - c. The source of the Information used prohibited means to gather the Information.



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5. The NCTFC will electronically advise recipient agencies when Information previously provided to them is deleted or changed pursuant to 3 or Section IX subsection G. NCTFC will electronically notify originating agencies when Information received from them is deleted or changed pursuant to 3 or Section IX subsection G.
6. The NCTFS will ensure that their products and the originating agency have labels applied to indicate to the accessing authorized user that:
 - a. The Information is protected Information as defined in Part IV, section D, and to the extent expressly provided in this policy, includes organizational entities.
 - b. The Information is subject to local, state or federal laws restricting access, use, or disclosure.

VIII. Use Limitation

Information obtained from or through the NCTFC or the NCTFS can only be used for lawful purposes. A lawful purpose means the request for data can be directly linked to a law enforcement agency's active criminal investigation or is a response to a confirmed lead that requires follow-up to prevent a criminal act. A project shall not include in any criminal intelligence system Information which has been obtained in violation of Federal, State, or local law or ordinance. In an interjurisdictional intelligence system, the project is responsible for establishing that no Information is entered in violation of Federal, State, or local laws, either through examination or supporting Information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project (28 CFR Part 23).

The Executive Advisory Board of the NCTFC will take necessary measures to make certain that access to the NCTFS' Information and intelligence resources is secure and will prevent any unauthorized access or use. The Board reserves the right to restrict the qualifications and number of personnel who will be accessing the NCTFC and to suspend or withhold service to any individual violating this Privacy Policy. The Board, or persons acting on behalf of the Board, further reserves the right to conduct inspections concerning the proper use and security of the Information received from the NCTFC.

A. Sharing Information for Specific Purposes

1. Information gathered and retained by the NCTFC may be disseminated for specific purposes upon request by persons authorized by law to have such access and only for those uses or purposes specified in the law.
2. The NCTFC shall not confirm the existence or nonexistence of Information to any person or agency that would not be eligible to receive the Information itself.



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3. An audit trail will be kept of the requests for access and of what Information is disseminated to such persons.
4. Agencies external to the NCTFS may not disseminate Information accessed or disseminated from the NCTFC without approval from the NCTFC or other originator of the Information

B. Sharing Information within the NCTFC and with other Justice System Partners

1. Access to Information retained in the NCTFS will only be provided to persons within the NCTFC or in other governmental agencies who are authorized to have access and only for legitimate law enforcement, public protection, public prosecution, public health, or justice purposes and only for the performance of official duties in accordance with the Law and procedures applicable to the agency for whom the person is working.
2. An audit trail will be kept of access by or dissemination of Information to such persons.

C. Sharing Information with those responsible for Public Protection, Safety, or Public Health

1. Information retained by the NCTFC may be disseminated to individuals in public or private entities only for public protection, safety, or public health purposes and only in the performance of official duties in accordance with applicable laws and procedures. Nothing in this policy shall limit the dissemination, including unsolicited, of an assessment of criminal intelligence information to a government official or to any other individual, when necessary to avoid imminent danger or certain danger to life or property.
2. The NCTFC shall not confirm the existence or nonexistence of Information to any person or agency that would not be eligible to receive the Information itself.
3. An audit trail will be kept of the access by or dissemination of Information to such persons.

IX. Security Safeguards

NCTFC's Senior Intelligence Analyst is designated and trained to serve as the NCTFC security officer.

- A. Security for Information derived from the NCTFC will be provided in accordance with applicable laws, rules, regulations and within "Information Sharing Environment" (ISE) Privacy Guidelines as mandated by Section 1016(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) and Executive



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Order 13388. Furthermore, all personnel who receive, handle, or have access to NCTFC or NCTFS data and/or sensitive Information will be trained as to those requirements. Special consideration will be followed pertaining to Information related to gang membership and activities and pertaining to Information gathered from children under Articles 61.07 and 61.08 to the Texas CCP. All personnel having access to the NCTFC or the NCTFS' data agree to abide by the following rules:

1. The NCTFC's data will be used only to perform official law enforcement investigative-related duties in a manner authorized by the user's employer.
 2. Individual passwords will not be disclosed to any other person except as authorized by NCTFC management.
 3. Individual passwords will be changed if authorized personnel of the agency or members of the NCTFC suspect the password has been improperly disclosed or otherwise compromised.
 4. Background checks will be completed on personnel who will have direct access to the NCTFC or NCTFS.
- B. Use of the NCTFC or NCTFS' data in an unauthorized or illegal manner will subject the user to denial of further use of the NCTFC or NCTFS and disciplinary action by the user's employing agency.
- C. Each authorized user understands that access to the NCTFC or the NCTFS can be denied or rescinded for failure to comply with the applicable restrictions and use limitations.
- D. Information obtained from or through the NCTFC or NCTFS will not be used or publicly disclosed for purposes other than those specified in the Memorandum of Understanding that each participating agency must sign. Information cannot be (1) sold, published, exchanged, or disclosed for commercial purposes; (2) disclosed or published without prior approval of the contributing agency; or (3) disseminated to unauthorized persons.
- E. Use of the NCTFC's or the NCTFS' data is limited to those individuals who have been selected, approved, and trained accordingly. Access to Information contained within the NCTFS will be granted only to law enforcement agency personnel who have been vetted by the Director of the NCTFC, as well as any additional background screening processes using procedures and standards established by the Executive Advisory Board. Each individual user must complete an Individual User Agreement in conjunction with training. **The NCTFC reserves the right to restrict the qualifications and number of personnel having access to NCTFC Information and to suspend or withhold service and deny access to any participating agency or participating agency personnel violating the NCTFC's privacy policy.**



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F. Access to the NCTFS' databases from outside of the NCTFC is only allowed over secure network lines.

G. Information Retention and Destruction

1. Review of Information Regarding Retention

- a. All applicable Information will be reviewed for record retention (validation or purge) by NCTFC at least every five (5) years, as provided by 28 CFR Part 23. When Information has no further value or meets the criteria for removal under applicable Law; it will be purged, destroyed, deleted, or returned to the submitting source.

2. Destruction of Information

- a. Specified Information will be deleted from the NCTFS pursuant to requests from the participating agency that owns the Information and in accordance with any interlocal agreement or memorandum of understanding with the participating agency.
- b. The NCTFC will delete Information from any analytical product that contains Information from expunged records.
- c. Notification of the destruction or return of records will be provided to:
 - 1) The participating agency that provided the data
 - 2) The NCTFC intelligence analyst.
- d. A record that Information has been purged or returned shall be maintained by the NCTFC and a written record shall be kept.

3. Classification of Information Regarding Validity and Reliability

- a. The NCTFS will ensure that their products and the originating agency have labels applied to indicate to the accessing authorized user that:
 - (1) The Information is protected Information as defined in Part IV, section D, and to the extent expressly provided in this policy, includes organizational entities.
 - (2) The Information is subject to local, state or federal laws restricting access, use, or disclosure



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- b. NCTFC personnel will, upon receipt of Information, assess the Information to determine or review its nature, usability, and quality. Personnel will assign categories to the Information (or ensure that the originating agency has assigned categories to the Information) to reflect the assessment, such as:
 - 1) Whether the Information consists of criminal history, intelligence Information, case records, conditions of supervision, case progress, or other Information category.
 - 2) Content validity (for example, confirmed, probable, doubtful, cannot be judged);
 - 3) Nature of the source as it affects veracity (for example, anonymous tip, trained interviewer or investigator, public record, private sector); and
 - 4) Source reliability (for example, reliable, usually reliable, unreliable, unknown).
- 4. The categorization of retained Information will be reevaluated when new Information is gathered that has an impact on the validity and reliability of retained Information.
- 5. Classification of Information Regarding Limitations on Access and Disclosure
 - a. At the time a decision is made to retain Information, it will be labeled (by record, data set, or system of records) pursuant to the applicable limitations on access and sensitivity of disclosure in order to:
 - 1) Protect confidential sources and police undercover techniques and methods;
 - 2) Not interfere with or compromise pending criminal investigations;
 - 3) Protect an individual's right of privacy and civil rights
 - 4) Provide legally required protections based on the individual's status as a child, sexual abuse victim, resident of a substance abuse treatment program, resident of a mental health treatment program, or resident of a domestic abuse shelter.



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6. The classification of existing Information will be reevaluated whenever:
 - a. New Information is added that has an impact on access limitations or the sensitivity of disclosure of the Information; or
 - b. There is a change in the use of the Information affecting access or disclosure limitations.
 - c. The access classifications will be used to control:
 - 1) What Information a class of users can have access to;
 - 2) What Information a class of users can add, change, delete, or print; and
 - 3) To whom the Information can be disclosed and under what circumstances.
7. NCTFC will identify and review protected Information that may be accessed from or disseminated by the NCTFC prior to sharing that Information through the Information Sharing Environment (ISE). Further, the NCTFC will provide notice mechanisms, including but not limited to metadata or data field labels that will enable ISE authorized users to determine the nature of the protected Information and how to handle the Information in accordance with applicable legal requirements.
8. NCTFC requires certain basic descriptive information (metadata tags or labels) to be entered and electronically associated with data (or content) for which there are special laws, rules, or policies regarding access, use, and disclosure, including terrorism-related Information shared through the ISE. The types of Information include:
 - The name of the originating center, department or agency, component, and subcomponent.
 - The name of the center's justice information system from which the Information is disseminated.
 - The date the Information was collected and, where feasible, the date its accuracy was last verified.
 - The title and contact Information for the person to whom questions regarding the Information should be directed.
9. Where appropriate, NCTFC will attach (or ensure that the originating agency has attached) specific labels and descriptive metadata to Information that will be used, accessed, or disseminated to clearly indicate any legal restrictions on Information sharing based on Information sensitivity or classification.



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10. NCTFC will contract only with commercial database entities that provide an assurance that their methods for gathering personally identifiable Information comply with applicable local, state, tribal, territorial, and federal laws, statutes, and regulations and that these methods are not based on misleading Information-gathering practices.
11. To prevent public records disclosure, risk and vulnerability assessments will not be stored with publicly available data.

X. Openness

It is the intent of the NCTFC and its participating agencies to be open with the public concerning data collection practices when such openness will not jeopardize ongoing criminal investigative activities. Participating agencies will refer members of the public to the original owner of the data as the appropriate entity to address any concern about data accuracy and quality, when this can be done without compromising an active inquiry or investigation.

A. Disclosing Information to the Public

1. Information collected and retained by the NCTFC will continue to be owned by the participating agency that submitted such data to the NCTFC, and such Information will only be disclosed to a member of the public when it is determined by the owner agency to be a public record as a matter of Law and is not excepted from disclosure by Law, and it may only be disclosed in accordance with the Law and procedures applicable to the owner for this type of Information.
2. The NCTFC shall not confirm the existence or nonexistence of Information to any person or agency that would not be eligible to receive the Information itself, unless otherwise required by Law.
3. An electronic audit trail will be kept of all requests and of what Information is disclosed to a member of the public by the owners of such Information.

All agencies participating in the NCTFC will make this Privacy Policy available for public review. The NCTFC will post this Privacy Policy on the NCTFS website and also at www.co.collin.tx.us/homeland_security/index.jsp and make it available to any interested party.

The NCTFC's Privacy Officer will be responsible for receiving and responding to inquiries and complaints about privacy, civil rights, and civil liberties protections in the information system(s) maintained or accessed by the center. The Privacy Officer can be contacted at the following address: 4300 Community Blvd, McKinney, Texas 75071, **Attn: Privacy Officer**.



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XI. Individual Participation

The data maintained by the NCTFC is provided, on a voluntary basis, by the participating agencies. The participating agencies shall continue to be the owners of the information they submit to the NCTFC. Each individual user affiliated with the NCTFC which conduct searches against the data and databases as described herein will be required to acknowledge that he or she remains solely responsible for the interpretation, further dissemination, and use of any Information that results from the search process and is responsible for ensuring that any Information relied upon is accurate, current, valid, and complete, especially before any official action is taken in full or partial reliance upon the Information obtained. Members of the public are prohibited from directly accessing the NCTFC's applications, databases and/or Information technology systems. Members of the public who desire to access data pertaining to themselves should request such information through a Public Information Act request submitted to the originating agency or entity that is the source of the data in question. If appropriate or required, the NCTFC will notify the originating agency of the request and its determination that disclosure by the NCTFC or referral of the requestor to the source agency is neither required nor appropriate under applicable law. (See Texas Attorney General ORD 576 (1990)). The source agency shall, nevertheless, be responsible for responding or seeking protection of responsive information under the Public Information Act.

- A. Disclosing Information to the Individual About Whom Information Has Been Gathered
 1. Upon satisfactory verification of his or her identity and subject to the conditions specified in XI. A. 4., an individual is entitled to know the existence of and review Information about himself or herself that has been gathered and retained in the NCTFS. Participating agencies providing data remain the owners of the data contributed. NCTFC personnel will direct individuals who seek such Information, if appropriate, to request it from the participating agencies that own and have supplied the data to the NCTFC. The NCTFC will advise the requestor that if NCTFC holds information within the scope of the request, it will forward that request to the owning agency.
 2. If an individual has objections to the accuracy or completeness of the Information retained about himself or herself that has been disclosed, upon receipt of notification of such concerns the NCTFC will notify the agency that is the owner of the Information and provide the individual with appropriate contact information for that agency. Thereafter the resolution of objections as to the accuracy or completeness of the information shall be between the individual and the agency which owns such information. The NCTFC will not expunge or amend Information unless requested by the agency that owns the Information.
 3. If an individual has a complaint with regard to the accuracy or completeness of terrorism-related protected Information that:



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i) is exempt from disclosure, ii) has been or may be shared through the ISE; iii) is held by NCTFC; and iv) allegedly has resulted in demonstrable harm to the complainant, the NCTFC will inform the individual of the procedure for submitting (if needed) and resolving such complaints. Complaints from individuals regarding these matters should be submitted to the NCTFC's Privacy Officer at the following address: 4300 Community Blvd, McKinney, Texas 75071, **Attn: Privacy Officer**. The Privacy Officer will acknowledge the complaint and state that it will be reviewed but will not confirm the existence or nonexistence of the Information to the complainant unless otherwise required by Law. The Privacy Officer will notify the originating agency which is the owner of such Information in writing or electronically within 10 days and, upon request, assist such agency to correct any identified data/record deficiencies, purge the Information, or verify that the record is accurate. All Information held by the NCTFC that is the subject of a complaint will be reviewed by the owner agency within 30 days and confirmed or corrected/purged if determined to be inaccurate or incomplete, to include incorrectly merged Information, or to be out of date. If there is no resolution within 30 days from the date NCTFC provides notification of the complaint to the owner of such Information, the NCTFC will not share the Information until such time as the complaint has been resolved. A record will be kept by the NCTFC of all complaints and the resulting action taken in response to the complaint.

4. The existence, content, and source of the Information will not be made available (by an owner agency) to an individual when:
 - a. Disclosure would interfere with, compromise, or delay an ongoing investigation or prosecution; (Tex. Gov't Code § 552.108)
 - b. Disclosure would endanger the health or safety of an individual, organization, or community;
 - c. The Information is in a criminal intelligence Information system subject to 28 CFR Part 23; (Tex. Gov't Code § 552.108)
 - d. The Information relates to matters excepted from disclosure under the Texas Public Information Act, ch 552 Tex. Gov't Code;
 - e. The Information source does not reside with the NCTFC;
 - f. The NCTFC did not originate and does not have a right to disclose the Information, including Information that meets the definition of "classified information" as that term is defined in the National Security Act, Public Law 235, Section 606, in accord with Executive Order 13549, Classified National Security Information Program for State, Local, Tribal, and Private Sector Entities, August 18, 2010;
 - g. Other **authorized** basis for denial, including but not limited to Tex. Gov't Code §§ 552.101, 552.108, 552.111, 552.117, 552.1175, 552.119, 552.132, 552.1325, 552.134, 552.137, 552.138, 552.139, 552.142, 552.1425, 552.147, 552.148, 552.150, and 552.151.



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5. A record will be kept of all requests and of what Information is disclosed to an individual by an owner agency, and such owner agency shall notify NCTFC of such disclosures.

Participating agencies that are not the owners of the information requested agree that they will promptly refer requests for information in their possession to the owners of the Information. NCTFC will comply with the Texas Public Information Act in responding to requests for public information for documents or reports that originate with the NCTFC and which do not comprise Information owned by an owner agency and shared with NCTFC.

XII. Accountability

- A. When a query is made to the NCTFC or the NCTFS as well as any of the data applications, the original request is automatically logged by the system identifying the user initiating the query. When such Information is disseminated outside of the agency from which the original request is made, a secondary dissemination log must be maintained in order to correct possible erroneous Information and for audit purposes, as required by applicable law. Secondary dissemination of Information can only be to a law enforcement agency for a law enforcement investigative purpose or to other agencies as provided by law. The agency from which the Information is requested will maintain a record (log) of any secondary dissemination of Information. This record will reflect as a minimum:

1. Date of release.
2. To whom the Information relates.
3. To whom the Information was released (including address and telephone number).
4. An identification number or other indicator that clearly identifies the data released.
5. The purpose for which the information was requested.

- B. Accountability for Activities

1. Primary responsibility for the operation of this justice information system—including operations; coordination of personnel; the receiving, seeking, retention, evaluation, information quality, analysis, destruction, sharing, and disclosure of Information; and the enforcement of this policy—is assigned to the Director of the NCTFC.
2. The NCTFC will establish procedures, practices, and system protocols and use software, information technology tools, and physical security measures that protect Information from unauthorized access, modification, theft, or sabotage, whether internal or external and whether due to natural or human-caused disasters or intrusions.



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3. The NCTFC will store Information in a manner such that it cannot be added to, modified, accessed, destroyed, or purged except by personnel authorized to take such actions.
4. The NCTFC will adopt and follow procedures and practices by which it can ensure and evaluate the compliance of users and the NCTFS itself with the provisions of this policy and applicable law. The NCTFC will require any individuals authorized to use the system to agree in writing to comply with the provisions of this policy.
5. The NCTFC will periodically conduct audits and inspections of the Information contained in the NCTFS. The audits will be conducted randomly by a designated representative of the NCTFC or by a designated independent party. The audit will be conducted in such a manner so as to protect the confidentiality, sensitivity, and privacy of the Information contained in the NCTFS.
6. The NCTFC's Privacy Officer will review and update the provisions protecting privacy, civil rights, and civil liberties contained in this policy annually and will make appropriate changes in response to changes in applicable law, technology, the purpose and use of the information systems, and public expectations.
7. The NCTFC will notify an individual about whom unencrypted personal Information was or is reasonably believed to have been obtained by an unauthorized person and access to which threatens physical or financial harm to the person. The notice will be made promptly and without unreasonable delay following discovery or notification of the access to the Information, consistent with the legitimate needs of law enforcement to investigate the release or any measures necessary to determine the scope of the release of Information and to reasonably restore the integrity of the information system.
8. Any breach in the system or misuse of information shall be handled in accordance to the NCTFC's Standard Operational Procedure as outlined in Section 6 thru 8.



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Failure to abide by the restrictions and use limitations set forth by the NCTFC may result in the suspension or termination of use privileges, discipline sanctions imposed by the user's employing agency, or criminal prosecution. Web access is closed to the public and individuals vetted for access shall read and agree to restriction, and terms of use agreements before every log in process.

- C. NCTFC personnel or other authorized users shall report errors and suspected or confirmed violations of NCTFC policies relating to protected Information to the NCTFC Privacy Officer at the following address: 4300 Community Blvd, McKinney, Texas 75071, **Attn: Privacy Officer**. The Executive Advisory Board will be responsible for conducting or coordinating audits and investigating misuse of the NCTFC's data or Information. After violations are identified they will be reported to the originating agencies which will be responsible for corrective action; however, the Executive Advisory Board reserves the right to bar the Participating Agency and/or its employees from further use of the NCTFC and NCTFS.